

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKCHRISTOPHER B. TURCOTTE, *et al.*

Plaintiffs,

-v-

BLUE CROSS BLUE SHIELD OF
MASSACHUSETTS, INC.,

Defendant.

SDNY
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ELECTRONICALLY FILED
7/17/08

No. 07 Civ. 4023 (RJS)
ORDERRICHARD J. SULLIVAN, District Judge:

By letter dated July 15, 2008, defendant in the above-entitled action indicates that (1) a copy of the administrative record relating to plaintiffs' ERISA claims was sent to plaintiffs on July 1, 2008; (2) defendant does not object to the filing of the proposed second amended complaint; and (3) the parties are available for oral argument regarding defendant's outstanding motion to dismiss on August 12 or 13, 2008.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs shall file the second amended complaint forthwith. Defendant's outstanding motion to dismiss will be deemed to be directed toward the second amended complaint.

IT IS FURTHER ORDERED that the parties shall appear for oral argument regarding defendants' outstanding motion to dismiss on August 13, 2008, at 9:15 AM in the United States District Court, Courtroom 21C, 500 Pearl Street, New York, New York.

SO ORDERED.

Dated: New York, New York
July 17, 2008



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE